

Doc#: 61659 Bk:34509 Pg: 2

me ✓

STATE OF MAINE
CUMBERLAND, SSSUPERIOR COURT
LOCATION: PORTLAND
DOCKET NO. RE-16-136Ventures Trust 2013-I-H-R by MCM
Capital Partners, LLC, its trustee

Plaintiff

vs.

American Residential Mortgage
DefendantMortgage Electronic Registration
Systems, Inc. as nominee for American
Residential Mortgage,
Brian K. Segal,
Patrick O'Donaghue,
CACH, LLC,
Maine Department of Health & Human
Services, Division of Support
Enforcement and Recovery,
Parties-In-Interest

AMENDED ORDER

TITLE TO REAL ESTATE IS
INVOLVED

MORTGAGED PREMISES:

44 Wardtown Road A True Copy
Freeport, ME 04032
Book 24601, Page 3 Altost: *[Signature]*

Clerk of Courts

SEAL

STATE OF MAINE
Cumberland ss Clerk's Office

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This matter is before the Court on Plaintiff's Motion for Default Judgment and Judgment on the Pleadings. The Court specifically finds that there is justiciable controversy and that declaratory relief is appropriate to remove the uncertainty in the chain of title to the mortgage, as raised by the *Greenleaf* decision, regarding assignments of mortgages for nominees. *Bank of America, N.A. v. Greenleaf*, 2014 ME 89 (Me. 2014). As holder of the promissory note, Plaintiff is entitled to bring this action to confirm its rights in the subject mortgage. This is consistent with well settled precedent discussing Maine mortgage title theory. See *Jordan v. Cheney*, 74 Me. 359 (1883).

Having considered the pleadings, this Court finds that after service in compliance with Maine Rules of Civil Procedure, the Party-In-Interest Maine Department of Health & Human Services, Division of Support Enforcement and Recovery answered, through its attorney Jennifer Googins Huston, Esq., Assistant Attorney General, the Party-In-Interest Mortgage Electronic Registration Systems, Inc. answered through its attorney Paul D. Weinstein, Esq. The Defendant American Residential Mortgage has not answered or otherwise appeared in this matter; the Party-In-Interest CACH, LLC has not answered or otherwise appeared in this matter; the Party-In-Interest Patrick O'Donaghue, has through his attorney, Nicholas H. Walsh, Esq., answered and appeared in this matter, the Party-In-Interest Brian Segal has not answered or otherwise appeared in this matter.



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Accordingly, for good cause shown, it is hereby ORDERED that;
Plaintiff is GRANTED default judgment in this matter; and

This Court ORDERS, confirms and ratifies, *nunc pro tunc*, the transfer of the mortgage, dated November 22, 2006, and recorded in the Cumberland County Registry of Deeds in Book 24601, Page 3, as evidenced by the assignment to Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing LP f/k/a Countrywide Home Loans Servicing LP recorded in the Cumberland County Registry of Deeds in Book 29739, Page 192; to Ventures Trust 2013-I-H-R by MCM Capital Partners LLC, its Trustee recorded in the Cumberland County Registry of Deeds in Book 32071, Page 167; and all the rights contained therein, including ownership, to Ventures Trust 2013-I-H-R by MCM Capital Partners, LLC, its trustee; and

The Court also enters in rem permanent injunction relief concerning the subject property mortgage recorded on November 27, 2006. The Court finds the Plaintiff is the owner and holder of both the subject Note and Mortgage Deed, *nunc pro tunc* as of the date of the Mortgage Assignment to the Plaintiff, December 4, 2014.


Justice, Superior Court

DOCKETED
11/03/17
HCC ✓

Received
Recorded Register of Deeds
Dec 05, 2017 11:28:49A
Cumberland County
Nancy A. Lane